

1 EXECUTIVE ORDER NO. 4-2005

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4 EXECUTIVE ORDER CONTINUING THE
5 GOVERNOR'S DISABILITIES ADVISORY COUNCIL
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8 WHEREAS, the Americans with Disabilities Act (ADA) requires states and local
9 governments to provide services to persons with disabilities in the most integrated setting
10 appropriate; and

11 WHEREAS, the United States Supreme Court affirmed, in *Olmstead v. L.C. by*
12 *Zimring*, 527 U.S. 581 (1999) ("Olmstead"), that needless institutionalization of persons
13 with disabilities is segregation and discriminatory; and

14 WHEREAS, persons who live in the community and have the supports and
15 services to live as independent lives as possible have a greater quality of life; and

16 WHEREAS, the Americans with Disabilities Act opens the doors of opportunity
17 for Montana's citizens with disabilities to become participants in policy development at
18 the local and state level.

19 NOW, THEREFORE, I, Brian Schweitzer, Governor of the State of Montana, by
20 virtue of the authority vested in me under the laws and the constitution of the State of
21 Montana, do hereby issue this executive order to continue the Governor's Disabilities
22 Advisory Council.

23 BE IT FURTHER RESOLVED, that the Advisory Council shall advise the
24 Governor's Office, the Department of Administration, and the Department of Public
25 Health and Human Services ("DPHHS") on issues affecting the implementation of the
26 Americans with Disabilities Act in state government, including:

- 27 1. recommending steps to promote the proactive implementation of the
28 Americans with Disabilities Act in Montana state government with an emphasis
29 on Title II.
- 30 2. developing a coordinated plan for providing supports and services in the
31 most integrated setting to Montana citizens with disabilities covered by Medicaid
32 or other state services (Olmstead plan);
- 33 3. re-evaluating Montana's current Olmstead plans for unification into one
34 visionary document to be used as a proactive, coordinated approach for service
35 planning and development;
- 36 4. identifying state policies and practices that create barriers to community
37 integration and effective delivery of community services;
- 38 5. identifying actions to improve the infrastructure and community capacity
39 to provide needed community services and supports;
- 40 6. researching funding opportunities to support expanded or new services
41 and supports that enable Montanans with long-term care needs to regain and/or
42 maintain an independent community lifestyle;
- 43 7. developing long-range plans and strategies to anticipate and respond to
44 future demands for long-term services and supports as those needs change over
45 the next three decades.

1 BE IT FURTHER RESOLVED that: the Advisory Council shall be composed of
2 no fewer than eleven (11) members, appointed by the Governor, and at least sixty percent
3 (60%) of the voting members shall be people with disabilities. The membership shall be
4 drawn from people with disabilities, consumers of state government services, and
5 organizations representing people with disabilities. The Director of DPHHS or his
6 designee shall be a non-voting, ex-officio member of the Advisory Council. A majority
7 of the voting members shall constitute a quorum. The Chair and Vice Chair shall be
8 elected by a vote of the Advisory Council at the first meeting of the Council under this
9 Executive Order. The Department of Administration and DPHHS shall provide
10 administrative and other support to the Advisory Council as necessary to carry out its
11 purpose.

12 BE IT FURTHER RESOLVED that the Advisory Council shall meet no less than
13 quarterly as determined by the Council, consistent with available funding, in consultation
14 with the Governor's Office and DPHHS, to advise on the development and
15 implementation of a comprehensive statewide Olmstead plan. All voting members shall
16 be compensated in accordance with Mont. Code Ann. § 2-15-122(5).

17 BE IT FURTHER RESOLVED that this Advisory Council shall exist for a period
18 of two years from the effective date of this order. This Order is effective immediately.

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20 GIVEN under my hand and the GREAT SEAL of the State of Montana, this 30th
21 day of March, 2005.

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26 BRIAN SCHWEITZER, Governor
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28 Attest:

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32 Brad Johnson,
33 Secretary of State